Writ Petition No. 813 of 2001 (S/B)

Prem Ballabh …… Petitioner

Vs.

Board of Management, Tehri Garhwal

District Co-operative Bank Ltd. Tehri,

Distt. Tehri Garhwal and others ……. Respondents

……..

Hon. P.C. Verma, A.C.J.

Hon. M.M.Ghildiyal, J.

Heard Sri Manoj Tieari, learned counsel for the petitioner and Sri R. Dobhal, learned counsel for the respondents.

This writ petition has been filed by the petitioner challenging the order dated 21.10.2000 issued by the respondent no.2 whereby two punishments have been given to the petitioner. The petitioner has further challenged he order dated 28.2.2001 whereby an adverse entry has been given in the character roll of the petitioner during the pendency of appeal against the order dated 21.10.2000.

A charge sheet was served on the petitioner on 5.2.2000. Admittedly thereafter no inquiry was held. Straightway the punishment order was passed. A perusal of the punishment order shows that the order was passed on the basis of inquiry report dated 5.2.200. Thus, it is apparent that the inquiry was completed on the date on which charge-sheet was submitted. Thus, it is evident that the petitioner was not given proper opportunity to submit reply. Therefore, the argument of the learned counsel for the respondent that the minor punishment after seeking explanation of the petitioner under Regulation 84, could be imposed without holding inquiry, is not tenable as it is evident from the punishment order that there is no evidence as to what was the reply of the petitioner and what was a finding of the punishment authority. Therefore, the impugned order passed by the respondent no.2 suffers from non-application of mind and can not be sustained.

Accordingly, the writ petition is allowed and the order 21.10.2000 and 28.2.2001 passed by the respondent no.2 are hereby quashed. No order as to costs.

(M.M. Ghildiyal, J.) (P.C. Verma, A.C.J.)

4.08.2003

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